

Appl. No. 10/614,845
Reply to Advisory Action of February 27, 2006

REMARKS/ARGUMENTS

In the Supplemental Amendment filed February 15, 2006, claims 10-14, 25-29, 47 and 48 were cancelled. Under 37 C.F.R. §1.48(b), it is required that when the correct inventors are named when an application is filed but "prosecution of the non-provisional application results in the amendment or cancellation of claims so that fewer than all the currently named inventors are the actual inventor of the invention being claimed" that "an amendment must be filed requesting deletion of the name" of the person who is not an inventor of the invention now being claimed.

It was determined that inventorship was correctly stated when the application was filed. However, after canceling claims 10-14, 25-29, 47, and 48, it was determined that Tapesh Yadav was the sole inventor of the claimed invention. To comply with 37 C.F.R. §1.48(b), a Request to Amend Inventorship was submitted with the February 15, 2006 Supplemental Amendment that identified the inventor being deleted and that acknowledged that the deleted inventor's invention is no longer being claimed. Also, as required under 37 C.F.R. §1.48(b) the request was signed by a party set forth in 37 C.F.R. §1.33(b) and a proper processing fee was provided. All requirements of 37 C.F.R. §1.48(b) were met by the submittal.

The Advisory Action objected to the request to change inventorship as not complying with 37 C.F.R. §1.48(a), which applies when the inventive entity is set forth in error in the declaration and has not changed due to claim cancellation or amendment. As discussed above, the inventorship was correctly stated in the declaration when the non-provisional application was filed, and as a result, 37 C.F.R. §1.48(a) does not apply. The change in inventorship is instead required due to cancellation of claims during prosecution.

In a telephone discussion on March 15, 2006, Primary Examiner Stephen Kalafut and Kent Lembke, Applicant's representative, discussed the objection stated in the Advisory Action and came to the agreement that because claims were cancelled in the Supplemental Amendment and this resulted in a change in the inventive entity that the Request to Amend Inventorship was correctly filed

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under 37 C.F.R. §1.48(b) rather than 37 C.F.R. §1.48(a). Primary Examiner Stephen Kalafut requested that this Response to Advisory Action be submitted to document the March 15, 2006 telephone discussion and to document the fact that the objection stated in the Advisory Action had been adequately addressed by Applicant to Mr. Kalafut's satisfaction.

Conclusion

Based on the above discussion, it is now requested that a timely Notice of Allowance be issued in this case.

3/17/06

Respectfully submitted



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